

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CLIFFORD EUGENE BRYANT,

Defendant-Appellant.

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UNPUBLISHED

October 3, 2006

No. 262108

Wayne Circuit Court

LC Nos. 03-001945-01

03-004666-01

Before: Borrello, P.J., and Jansen and Cooper, JJ.

PER CURIAM.

Following separate jury trials, defendant was convicted of assault with intent to do great bodily harm, MCL 750.84, in LC No. 03-001945-01, and two counts of assault with intent to do great bodily harm, felonious assault, MCL 750.82, discharging a weapon in a building, MCL 750.234b, and possession of a firearm during the commission of a felony, MCL 750.227b, in LC No. 03-004666-01. He was originally sentenced to concurrent prison terms of six years and eight months to ten years for each of the three assault with intent to do great bodily harm convictions, two years and eight months to four years for the felonious assault conviction, and two years and eight months to four years for the discharging a weapon in a building conviction, to be served consecutive to a two-year term for the felony-firearm conviction. In a prior appeal, this Court vacated one of the assault with intent to do great bodily harm convictions and the felonious assault conviction on double jeopardy grounds, and remanded for resentencing or articulation of substantial and compelling reasons to support an upward departure from the sentencing guidelines range with respect to the remaining convictions. *People v Bryant*, unpublished opinion per curiam of the Court of Appeals, issued December 14, 2004 (Docket No. 249829). On remand, defendant was resentenced in LC No. 03-001945-01 to a prison term of 67 months to 10 years for the assault with intent to do great bodily harm conviction. Additionally, he was resentenced in LC No. 03-004666-01 to concurrent prison terms of 76 months to 10 years for the assault with intent to do great bodily harm conviction, 32 months to 4 years for the discharge of a firearm conviction, and a consecutive two year term for the felony firearm conviction. Defendant again appeals as of right. We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Defendant argues that he is entitled to resentencing because his right of allocution was violated. We disagree.

Before imposing sentence, the trial court must “give the defendant . . . an opportunity to advise the court of any circumstances [he] believe[s] the court should consider in imposing sentence.” MCR 6.425(E)(2)(c)<sup>1</sup>; *People v Petit*, 466 Mich 624, 627; 648 NW2d 193 (2002). Strict compliance with a defendant’s right of allocution is required, and the trial court must specifically ask the defendant if he wishes to address the court. *People v Wells*, 238 Mich App 383, 392; 605 NW2d 374 (1999). Failure to comply with this rule requires resentencing. *Id.*

The following exchange occurred at defendant’s resentencing:

*THE COURT:* Mr. Bryant, anything you want to say at this time? You may speak.

*THE DEFENDANT:* Yes, Your Honor. I been – since I been down in prison, I been a good guy. I been working. I am getting my G.E.D. and I’m just here today because God sent me here for a second chance.

And I want you to do something for me today, Your Honor.

*THE COURT:* Mr. Bryant, there is nothing in the world that I would do for you. I wish I could give you as much time as I possibly could. . . .

After reviewing the facts of the case, the court stated that it had “no mercy” for defendant and asked the prosecutor if he had anything further. The court then imposed sentence.

The record indicates that defendant was afforded an opportunity to address the court. Although defendant asserts that he had more to say, the transcript does not show that the court interrupted him. If the trial court’s assumption that defendant had concluded his remarks was erroneous, it was incumbent on defendant to object at the time of sentencing. See *People v Jones*, 201 Mich App 449, 452; 506 NW2d 542 (1993). In this case, defendant was afforded an opportunity to address the court, and neither defendant nor his attorney advised the court that defendant’s allocution was incomplete. Because there is nothing in the record to indicate that the court interfered with defendant’s right of allocution, resentencing is not warranted.

Affirmed.

/s/ Stephen L. Borrello  
/s/ Kathleen Jansen  
/s/ Jessica R. Cooper

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<sup>1</sup> Formerly MCR 6.425(D)(2)(c).